

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

NOV 27 2002

OFFICE OF
MANAGING DIRECTOR

Dennis W. Guard, Esq.
Associate Counsel
WorldCom
1133 Nineteenth Street, N.W.
Washington, DC 20036

RE: Request for Fee Waivers and Deferral of Processing
Fees for *Pro Forma* Assignment of Authorization of
Various Radio Station Licenses
Fee Control Number 00000 **RROG 02 069**

Dear Counsel:

We reviewed **your** August 13, 2002 request that we waive and defer payment of the application filing fees' related to multiple applications' for transfer of control of licenses by WorldCom, Inc.'s operating subsidiaries (WorldCom) to debtor-in-possession successor entities. For the reasons set out below, we grant your request and will waive the aggregate fees of \$92,090.

¹ By this letter, we are also **granting** your request that we defer the requirement to submit the fees **until** a decision is rendered **on** the request for the waiver.

² **Your** request refers generally to multiple applications "filed in batches throughout the week of August 12, 2002." The number of individual files and related authorizations that are not specifically cited in your request leave us uncertain **whether all** applications are addressed in this and related correspondence. For that reason, we have annotated the number of authorizations and the fees applicable to the service requested insofar as we determined them **from** available records of applications tiled:

- (a) MCI Worldcom Network Services, Inc (File # 0000995974) (717 authorizations, (\$75 X 1) + (\$50 X 716));
- (b) Intermedia Communications, Inc. (File # 0000996769) (1 authorization, (\$75 X 1));
- (c) Intermedia Services, L.L.C. (File # 0000998447) (152 authorizations, (\$75 X 1) + (\$50 X 151));
- (d) WorldCom Broadband Solutions, Inc. (File # 0000999185) (46 authorizations, (\$210 X 17) + (\$0 X 17) + (\$50 X 2) + (\$75 X 1) + (\$50 X 8) + (\$50 X 1));
- (e) SkyTel Communications, inc. (File # 0000999425) (4 authorizations, (\$310 X 1) + (\$50 X 3));
- (f) Express Communications, Inc. (File # 0000999049) (1 authorization, (\$50 X 1));
- (g) networkMCI, Inc. (File # 0000999015) (1 authorization, (\$50 X 1));
- (h) MCI Worldcom Communications, Inc. (File # 0001001683) (8 authorizations, (\$50 X 8));
- (i) MCI Worldcom Communications, Inc. (File # 0001001637) (1 authorization, (\$50 X 1));
- (j) MCI Worldcom Communications, Inc. (File # 0001001655) (1 authorization, (\$50 X 1));
- (k) SkyTel Corp. (File # 0000999137) (192 authorizations, (\$310 X 1) + \$50 X 49) + (\$310 X 1) + \$50 X 133) + (\$0 X 8));
- (l) WorldCom, Inc., Domestic Section 214 Authorizations (**blanket**) (\$815 X 1);
- (m) WorldCom, Inc., International Section 214 Authorizations (**blanket**) (approximately 267 authorizations) (\$815 X 1);
- (n) WorldCom Broadband Solutions, Inc. (Multipoint Distribution Service & Multichannel Distribution Service), (485 authorizations) ((\$75 X 1) + (\$50 X 484));
- (o) CS Wireless Systems, Inc., (Multipoint Distribution Service & Multichannel Distribution Service), (85 authorizations) ((\$75 X 1) + (\$50 X 84));
- (p) Intermedia services, L.L.C. (Multipoint Distribution Service & Multichannel Distribution Service), (1 authorization) (\$745 X 1);
- (q) WorldCom Broadband Solutions, Inc. (Cable Assisted Relay Service) (14 authorizations) (\$210 X 14);
- (r) Southern Wireless Video, Inc. (Cable Assisted Relay Service) (1 authorization) (\$210 X 1);
- (s) Wireless Video Enterprises, Inc. (Cable Assisted Relay Service) (1 authorization) (\$210 X 1).

Dennis W. Guard, **Esq.**

2.

Based on your submitted proof of bankruptcy pursuant to Chapter 11 of the Federal Bankruptcy Code of the United States: we find that **you** established good cause for waiver of the filing fees for the applications. *Mobilemedia Corporation, et al.*, Memorandum **Opinion** and Order, **14** FCC Rcd. 8017, 8027, ¶ 40 (1999).

If you have any questions concerning this letter, you may call the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Reger", with a large, stylized initial "M" and a long, sweeping underline.

Mark Reger
Chief Financial Officer

¹ *In re WorldCom, Inc., et al.*, (US Bnky Ct, SDNY), docket 02-13533 (AJG).

..

00000RR06-02-069

WORLD COM

ORIGINAL

Dennis W. Guard
Associate Counsel

1133 Nineteenth Street, NW
Washington, DC 20036
202 736 6148
Far202 7366359

8/28

August 13, 2002

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AUG 13 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: WorldCom, Inc. Request for Waiver and Deferral of Processing Fees for *Pro Forma* Assignment of Authorization of Various Radio Station Licenses

Dear Mr. Fishel:

WorldCom, Inc. (debtor-in-possession), on behalf of its debtor-in-possession subsidiaries listed in Attachment A (collectively "WorldCom"), hereby requests waiver and deferral of the application fees associated with the *pro forma* assignment of authorization of various radio station licenses pursuant to Section 1.1117(a) of the Federal Communications Commission's ("Commission" or "FCC") rules.¹ These applications are being filed in batches throughout the week of August 12, 2002 via the Commission's ULS and BLS electronic filing systems. Additionally, a small number of these applications will be filed manually via hard-copy Form 327.

Section 1.1117(a) of the Commission's rules provides for waiver and/or deferral of fees where good cause is shown and where such waiver and/or deferral is found to promote the public interest.² WorldCom believes that both requirements are easily satisfied in this *case*.

On July 21, 2002, WorldCom and substantially all of its active U.S. subsidiaries filed voluntary petitions for reorganization under Chapter 11 of the U.S. Bankruptcy Code with the Bankruptcy Court in the Southern District of New York.³ As a result of WorldCom's Chapter 11

¹ 47 C.F.R. § 1.1117(a).

² *Id.*

³ *In re Worldcom Inc.*, docketed under case # 02-13553.

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filing. its status has changed to Debtor in Possession. WorldCom now finds **itself** in a financially distressed condition as a new legal entity.

Commission precedent weighs heavily in favor of WorldCom's request. Specifically, the Commission has previously held that it "will grant waivers of . . . fees on a sufficient showing of financial hardship."⁴ And, in the same proceeding, the Commission expressly recognized that "[e]vidence of bankruptcy or receivership is sufficient to establish financial hardship."

More recently, in *Mobilemedia*,⁶ the Commission recognized that "relief from . . . fees is appropriate to enable a bankrupt company to conserve its resources for the benefit of innocent creditors as contemplated by the bankruptcy code." The Commission continued, finding that "bankruptcy establishes good cause for waiver of the filing fee. . . . Moreover, waiver of the fee will serve the public interest by enabling Mobilemedia to preserve its assets that will accrue to innocent creditors." The Commission therefore ruled unambiguously that the status of bankruptcy satisfies the requirements of Section 1.1117(a) of the Commission's rules.

WorldCom is similarly situated to the entities in the above proceedings. **As** a Debtor in Possession. WorldCom now finds itself in a financially distressed condition and has similar duties to its innocent creditors. As a result, WorldCom believes its request is for good cause and in the public interest.

Additionally, there appears to be a question as to whether fees are even necessary in the context of an entity's *pro forma* assignment of licenses to itself as a Debtor in Possession. In particular, we note that Winstar Communications' *pro forma* assignment applications were filed in May 2001 without any fees and were nevertheless granted by the Commission in June 2001.⁹

Finally, to the extent there are any fees required to process this waiver and deferral request, we respectfully request that those fees also be waived.

⁴ *In the Matter of Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, Memorandum Opinion and Order, MD Docket No. 94-19, para. 13 (rel. June 22, 1995). See also Public Notice, DA-02-404 (rel. Feb. 26, 2002) (Granting request by Bethlehem Steel Corporation for waiver of application fees associated with *pro forma* assignment of 133 wireless licenses).

⁵ *Id.*, para. 14.

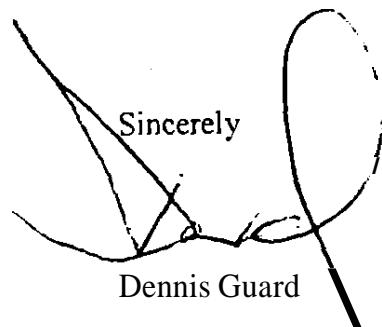
⁶ *In the Matter of MobileMedia Corporation, et. al., Applicant for Authorizations and Licenses of Certain Stations in Various Services*, Memorandum Opinion and Order, WT Docket No. 97-115 (rel. Feb. 5, 1999).

⁷ *Id.*, para. 39.

⁸ *Id.*, para. 40.

⁹ See *Notification of Pro Forma Involuntary Assignment, WWI License Holding, Inc. to WWI License Holding, Inc. (debtor-in-possession)*, FCC File No. 0000463106.n1 (dated May 16, 2001) ("No fee is subrined with this filing since a fee is not required for a pro forma assignment. See, e.g., Public Notice, 13 FCC Rcd. 18687 (1998); Public Notice, 13 FCC Rcd. 17368 (1998); Public Notice, 14 FCC Rcd. 1744 (1998).").

Please let me know if you have any questions or need anything further to **process** this request. Thank you for your consideration of this matter.

Sincerely

Dennis Guard

Attachment A
Affiliated Chapter 11 Debtors

WorldCom, Inc.	Parent
Brooks Fiber Properties, Inc.	Direct Subsidiary
Com Systems, Inc.	Direct Subsidiary
E.L. Acquisition, Inc.	Direct Subsidiary
Healan Communications, Inc.	Direct Subsidiary
Intermedia Communications Inc.	Direct Subsidiary
MCI Communications Corporation	Direct Subsidiary
MCI WORLDCOM Brands, L.L.C.	Direct Subsidiary
MCI WorldCom Management Company, Inc.	Direct Subsidiary
Military Communications Center, Inc.	Direct Subsidiary
SkyTel Communications, Inc.	Direct Subsidiary
TransCall America, Inc.	Direct Subsidiary
TTI National, Inc.	Direct Subsidiary
Wireless One, Inc.	Direct Subsidiary
WorldCom Broadband Solutions, Inc.	Direct Subsidiary
WorldCom International Mobile Services, Inc.	Direct Subsidiary
WorldCom Wireless, Inc.	Direct Subsidiary
Access Network Services, Inc.	Indirect Subsidiary
Access Virginia, Inc.	Indirect Subsidiary
ALD Communications, Inc.	Indirect Subsidiary
BFC Communications, Inc.	Indirect Subsidiary
Bittel Telecommunications Corporation	Indirect Subsidiary
Brooks Fiber Communications of Arkansas, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Bakersfield, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Connecticut, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Fresno, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Massachusetts, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Michigan, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Minnesota, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Mississippi, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Missouri, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Nevada, Inc.	Indirect Subsidiary
Brooks Fiber Communications of New England, Inc.	Indirect Subsidiary
Brooks Fiber Communications of New Mexico, Inc.	Indirect Subsidiary
Brooks Fiber Communications of New York, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Ohio, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Oklahoma, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Rhode Island, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Sacramento, Inc.	Indirect Subsidiary
Brooks Fiber Communications of San Jose, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Stockton, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Tennessee, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Texas, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Tucson, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Tulsa, Inc.	Indirect Subsidiary
Brooks Fiber Communications of Utah, Inc.	Indirect Subsidiary
Brooks Fiber Communications-LD, Inc.	Indirect Subsidiary
BTC Transponation Corporalion	Indirect Subsidiary
Business Internet, Inc.	Indirect Subsidiary
Chicago Fiber Optic Corporation	Indirect Subsidiary
COMMAV Realty Corp.	Indirect Subsidiary
Cross Country Wireless, Inc.	Indirect Subsidiary

CS Wireless Banle Creek, Inc.	Indirect Subsidiary
CS Wireless Systems, Inc.	Indirect Subsidiary
Express Communications, Inc.	Indirect Subsidiary
FiberNet Rochester, Inc.	Indirect Subsidiary
Fibernet, Inc.	Indirect Subsidiary
ICI Capital LLC	Indirect Subsidiary
Intelligent Investment Panners. Inc.	Indirect Subsidiary
Intermedia Capital, Inc.	Indirect Subsidiary
Intermedia Communications of Virginia. Inc.	Indirect Subsidiary
Intermedia Investment, Inc.	Indirect Subsidiary
Intermedia Licensing Company	Indirect Subsidiary
Intermedia Services LLC	Indirect Subsidiary
Jones Lightwave of Denver, Inc.	Indirect Subsidiary
Marconi Telegraph Cable Company. Inc.	Indirect Subsidiary
MCI Canada, Inc.	Indirect Subsidiary
MCI Equipment Acquisition Corporation	Indirect Subsidiary
MCI Galaxy III Transponder Leasing, Inc.	Indirect Subsidiary
MCI Global Access Corporation	Indirect Subsidiary
MCI Global Support Corporation	Indirect Subsidiary
MCI International Services. L.L.C.	Indirect Subsidiary
MCI International Telecommunications Corporation	Indirect Subsidiary
MCI International, Inc.	Indirect Subsidiary
MCI International Telecommunications Holding Corporation	Indirect Subsidiary
MCI Investments Holdings. Inc.	Indirect Subsidiary
MCI Network Technologies. Inc.	Indirect Subsidiary
MCI Omega Properties, Inc.	Indirect Subsidiary
MCI Payroll Services, LLC	Indirect Subsidiary
MCI Research, Inc.	Indirect Subsidiary
MCI Transcon Corporation	Indirect Subsidiary
MCI Wireless, Inc.	Indirect Subsidiary
MCI WOFLDCOM Brooks Telecom. LLC	Indirect Subsidiary
MCI WORLDCOM Capital <i>Management</i> Corporation	Indirect Subsidiary
MCI WORLDCOM Communications of Virginia, Inc.	Indirect Subsidiary
MCI WORLDCOM Communications. Inc.	Indirect Subsidiary
MCI WorldCom Financial Management Corporation	Indirect Subsidiary
MCI WORLDCOM Global Networks U.S.. Inc.	Indirect Subsidiary
MCI WORLDCOM International. Inc.	Indirect Subsidiary
MCI WORLDCOM MFS Telecom. LLC	Indirect Subsidiary
MCI WORLDCOM Network Services of Virginia, Inc.	Indirect Subsidiary
MCI WORLDCOM Network Services. Inc.	Indirect subsidiary
MCI WORLDCOM Synergies Management Company, Inc	Indirect Subsidiary
MCI/OTI Corporation	Indirect Subsidiary
MCImetro Access Transmission Services of Virginia. Inc.	Indirect Subsidiary
MCImetro Access Transmission Services LLC	Indirect Subsidiary
Metrex Corporation	Indirect Subsidiary
Metropolitan Fiber Systems of Arizona. Inc	Indirect Subsidiary
Metropolitan Fiber Systems of Baltimore. Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of California. Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of Connecticut. Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of Dallas, Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of Delaware. Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of Denver. Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of Detroit. Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of Florida. Inc	Indirect Subsidiary

Metropolitan Fiber Systems of Houston, Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of Indianapolis, Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of Minneapolis/St. Paul, Inc.	indirect Subsidiary
Metropolitan Fiber Systems of New Hampshire, Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of New Jersey, Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of New Orleans, Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of New York, Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of Ohio, Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of Oregon, Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of Philadelphia, Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of Pittsburgh, Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of Seattle, Inc.	Indirect Subsidiary
Metropolitan Fiber Systems of St. Louis, Inc.	Indirect Subsidiary
Metropolitan Fiber Systems/McCourt, Inc.	Indirect Subsidiary
MFS CableCo U.S., Inc.	Indirect Subsidiary
MFS Datanet, Inc.	Indirect Subsidiary
MFS Telecom, Inc.	Indirect Subsidiary
MFS Telephone of Missouri, Inc.	Indirect Subsidiary
MFS Telephone of New Hampshire, Inc.	Indirect Subsidiary
MFS Telephone of Virginia, Inc.	Indirect Subsidiary
MFS Telephone, Inc.	Indirect Subsidiary
MFS/C-TEC	Indirect Subsidiary
MFSA Holding, Inc.	Indirect Subsidiary
MobileComm Europe Inc.	Indirect Subsidiary
Mtel Asia, Inc.	Indirect Subsidiary
Mtel Cellular, Inc.	Indirect Subsidiary
Mtel International, Inc.	Indirect Subsidiary
Mtel Latin America, Inc.	Indirect Subsidiary
Mtel Microwave, Inc.	Indirect Subsidiary
Mtel Service Corporation	Indirect Subsidiary
N.C.S. Equipment Corporation	Indirect Subsidiary
National Telecommunications of Florida, Inc.	Indirect Subsidiary
Nerwave Systems, Inc.	indirect Subsidiary
networkMCI, Inc.	Indirect Subsidiary
Nonheast Networks, Inc.	Indirect Subsidiary
Nova Cellular Co.	Indirect Subsidiary
NTC, Inc.	Indirect Subsidiary
Overseas Telecommunications, Inc.	Indirect Subsidiary
Shared Technologies Fairchild Communications Corporation	Indirect Subsidiary
Shared Technologies Fairchild Telecom, Inc.	Indirect Subsidiary
Shared Technologies Fairchild, Inc.	Indirect Subsidiary
SkyTel Corp.	Indirect Subsidiary
SkyTel Payroll Services, LLC	Indirect Subsidiary
Southernnet of South Carolina, Inc.	Indirect Subsidiary
Southernnet Systems, Inc.	Indirect Subsidiary
Southernnet, Inc.	Indirect Subsidiary
Telecom*USA, Inc.	Indirect Subsidiary
Teleconnect Company	Indirect Subsidiary
Teleconnect Long Distance Services & Systems Co.	Indirect Subsidiary
Tenant Network Services, Inc.	Indirect Subsidiary
Tru Vision Wireless, Inc.	Indirect Subsidiary
Tru Vision-Flippin, Inc.	Indirect Subsidiary
UUNET Australia Limited	Indirect Subsidiary
UUNET Caribbean, Inc.	Indirect Subsidiary

UUNET Holdings Corp.	Indirect Subsidiary
UUNET International Ltd.	Indirect Subsidiary
UUNET Japan Ltd.	Indirect Subsidiary
UUNET Payroll Services, LLC	Indirect Subsidiary
UUNET Technologies, Inc.	Indirect Subsidiary
Virginia Metrotel, Inc.	Indirect Subsidiary
Wireless Video Services	Indirect Subsidiary
WorldCom Caribbean, Inc.	Indirect Subsidiary
WorldCom East, Inc.	Indirect Subsidiary
WorldCom ETC, Inc.	Indirect Subsidiary
WorldCom Federal Systems, Inc	Indirect Subsidiary
WorldCom ICC, Inc.	Indirect Subsidiary
WorldCom International, Inc.	Indirect Subsidiary
WorldCom International Data Services, Inc.	Indirect Subsidiary
WorldCom International Mobile Services LLC	Indirect Subsidiary
WorldCom Overseas Holdings, Inc.	Indirect Subsidiary
WorldCom Payroll Services, LLC	Indirect Subsidiary
WorldCom Purchasing, LLC	Indirect Subsidiary
WorldCom Ventures, Inc.	Indirect Subsidiary

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
November 27, 2002

Claudette

OFFICE OF
MANAGING DIRECTOR

Dennis W. ~~Guard~~, Esq.
Associate Counsel
WorldCom
1133 Nineteenth Street, N.W.
Washington, DC 20036

RE: Request for Fee Waivers and Deferral of Processing
Fees for *Pro Forma* Assignment of Authorization of
Satellite Earth Station Licenses
Fee Control Number 00000 RROG 02 062

Dear Counsel:

We reviewed your July 31, 2002 request that we waive and defer payment of the application filing fees¹ related to multiple applications² for transfer of control of licenses by WorldCom, Inc.'s operating subsidiaries (WorldCom) to debtor-in-possession successor entities. For the reasons set out below, we grant your request and will waive the aggregate fees of \$14,310.

Based on your submitted proof of bankruptcy pursuant to Chapter 11 of the Federal Bankruptcy Code of the United States: we find that you established good cause for waiver of the filing fees for the applications. *Mobilemedia* Corporation, et al., Memorandum Opinion and Order, 14 FCC Rcd. 8017, 8027, ¶ 40 (1999).

If you have any questions concerning this letter, you may call the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,


for Mark Reger
Chief Financial Officer

¹ By this letter, we are also granting your request that we defer the requirement to submit the fees until a decision is rendered on the request for the waiver.

² Your request refers to three applications for *pro forma* assignment of satellite earth station licenses. We calculated the total fee, \$14,310, as the product of the number of licenses assigned and the fee per assignment (\$405 for the first station, and \$135 for each additional station). The applications and rate of the fee for the requested assignment are: WorldCom Broadband Solutions, Inc. (File # SESASG2002073101183) ((1 X \$405) + (7 X \$135)); MCI WorldCom International, Inc. (File # SESASG2002073101182) ((1 X \$405) + (3 X \$135)); MCI WorldCom Network Services, Inc. (File # SESASG2002073101181) ((1 X \$405) + (87 X \$135)).

³ *In re WorldCom, Inc., et al.*, (US Bkcy Ct, SD NY), docket 02-13533 (AJG).

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WORLDCOM

- ① 2 dg letter
② Tom, Patty, 3
Sada Danner
③ 30 dg
Tom - due 8/29

Dennis W. Guard
Associate Counsel

1133 Nineteenth Street, NW
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202 736 6148
Fax 202 736 6359

July 31, 2002

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VIA HAND DELIVERY

JUL 31 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: WorldCom, Inc. Request for Waiver and Deferral of International Bureau
Processing Fees for Pro *Forma* Assignment of Authorization of Satellite Earth
Station Licenses

Dear Mr. Fishel:

WorldCom, Inc., on behalf of its subsidiaries MCI WORLDCOM International, Inc., MCI WORLDCOM Network Services, Inc., Overseas Telecommunications, Inc., WorldCom Broadband Solutions, Inc. and CS Wireless Systems, Inc. (collectively "WorldCom"), hereby requests waiver and deferral of the application fees associated with the *proforma* assignment of authorization of satellite earth station licenses pursuant to Section 1.1117(a) of the Federal Communications Commission's ("Commission" or "FCC") rules.¹ These applications are being filed concurrently with this waiver and deferral request via the International Bureau's IBFS electronic filing system.

Section 1.1117(a) of the Commission's rules provides for waiver and/or deferral of fees where good cause is shown and where such waiver and/or deferral is found to promote the public interest.² WorldCom believes that both requirements are easily satisfied in this case.

On July 21, 2002, WorldCom and substantially all of its active U.S. subsidiaries filed voluntary petitions for reorganization under Chapter 11 of the U.S. Bankruptcy Code with the Bankruptcy Court in the Southern District of New York.³ As a result of WorldCom's Chapter 11

¹ 47 C.F.R. § 1.1117(a).

² *Id.*

³ *In re Worldcom Inc.*, docketed under case # 02-13533.

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filing, its **status** has changed to Debtor in Possession. WorldCom, now finds itself in a financially distressed condition **as** a new legal entity.

Commission precedent weighs heavily in favor of WorldCom's request. Specifically, the Commission has previously held that it "will **grant** waivers of ... fees on a sufficient showing of financial hardship." And, in the same proceeding, the Commission expressly recognized that "[e]vidence of bankruptcy or receivership is sufficient to establish financial hardship."

More recently, in *Mobilemedia*: the Commission recognized that "relief from ... fees is appropriate to enable a bankrupt company to conserve its resources for the benefit of innocent creditors **as** contemplated by the bankruptcy code." The Commission continued, finding that "bankruptcy establishes good cause for waiver of the filing fee. ... Moreover, waiver of the fee will serve the public interest by enabling Mobilemedia to preserve its assets that will accrue to innocent creditors."⁸ The Commission therefore ruled unambiguously that the **status** of bankruptcy satisfies the requirements of Section 1.1117(a) of the Commission's rules.

WorldCom is similarly situated to the entities in **the** above proceedings. **As** a Debtor in Possession, WorldCom now finds itself in a financially distressed condition **and has** similar duties to its innocent creditors. **As a** result, WorldCom believes its request is for good cause **and** in the public interest.

Additionally, there appears to be a question **as** to whether fees are even necessary in the context of **an** entity's *pro forma* assignment of licenses to itself **as** a Debtor in Possession. In particular, we note that Winstar Communications' *pro forma* assignment applications were filed in May 2001 without any fees and were nevertheless granted by the Commission in June 2001.⁹

Finally, to the extent there are any fees required to process this waiver and deferral request, we respectfully request that those fees also be waived.

⁴ *In the Matter of Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, Memorandum Opinion and Order, MD Docket No. 94-19, para. 13 (rel. June 22, 1995). See also Public Notice, DA-02-404 (rel. Feb. 26, 2002) (Granting request by Bethlehem Steel Corporation for waiver of application fees associated with *pro forma* assignment of 133 wireless licenses).

⁵ *Id.*, para. 14.

⁶ *In the Matter of MobileMedia Corporation, et. al., Applicant for Authorizations and Licenses of Certain Stations in Various Services*, Memorandum Opinion and Order, WT Docket No. 97-1 IS (rel. Feb. 5, 1999).

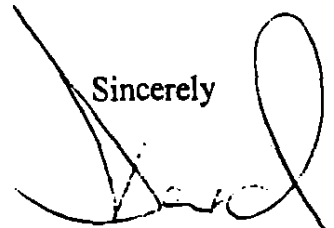
⁷ *Id.*, para. 39.

⁸ *Id.*, para. 40.

⁹ See Notification of Pro Forma Involuntary Assignment, *WWI License Holding, Inc. to WWI License Holding, Inc. (debtor-in-possession)*, FCC File No. 0000463106, n1 (dated May 16, 2001) ("No fee is submitted with this filing since a fee is not required for a pro forma assignment. See, e.g., Public Notice, 13 FCC Rcd. 18687 (1998); Public Notice, 13 FCC Rcd. 17368 (1998); Public Notice, 14 FCC Rcd. 1744 (1998).").

Please let me know if you have any questions or need anything further to process this request. *Thank you* for your consideration of this matter.

Sincerely



Dennis Guard 9